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Pro Se

UNITED STATES DISTRICT COURT

FOR

THE NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS, an individual,

Plaintiff,

vs.

DIGITAL REALTY TRUST INC., a Maryland corporation, ELLEN JACOBS, an individual, and DOES ONE through TEN, inclusive,

Defendants.

Case No. 14-CV-05180 KAW

**PLAINTIFF'S RESPONSE TO ORDER
SHOW CAUSE**

PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE

IN RESPONSE DOCKET 315

I protest Magistrate Judge Kandis Westmore's continued involvement in these proceedings for the reasons given in the Motion to Recuse. (Dkt. 288) Further support for her disqualification is provided in her Order denying the recusal as well as her striking the evidence proving her 19-month conspiracy with defense counsel, Brian Ashe of Seyfarth Shaw, to fix the outcome of this case in favor of Defendants.

1. I am a Pro Se litigant.
2. The threatened and alleged “sanctionable conduct” is vitiated by the underlying fraud and conspiracy between the defense counsel and the magistrate judge.
3. In the Order (Docket 315) such harsh words and threats directed at a Pro Se litigant are improper.
4. I have had a perfect attendance record over 4 years never missing a single court scheduled event. I maintained this despite living in Singapore and New York, a 16.5 hour flight and 6.5 hour flight from San Francisco, respectively. I have incurred nearly \$40,000 in expenses for flights, hotels, taxis, meals, etc.
5. Due to an illness ,I was admitted to hospital on April 19, 2018. Proof of this is in the attached declaration exhibit A.
6. Due to the symptoms of the illness, I could not have participated in a hearing. I waited until the last minute to cancel the hearing in hopes that I would be well enough to attend.
7. I remind the Court that I am a pro se litigant, I must research everything from the beginning when something new arises. I had never contemplated a continuance and was unfamiliar with the process. When I received the email requesting I file a continuance, it appeared to be in its entirety in the email as follows:

ORDER re [308] Plaintiff's April 19, 2018 E-mail Regarding Need for Continuance. The hearing on Plaintiff's motion to recuse is vacated. Plaintiff's request to continue the hearing on Defendants' motion for sanctions must be filed by April 26, 2018. Signed by Judge Kandis A. Westmore on 4/19/2018. (kawlc2, COURT STAFF) (Filed on 4/19/2018)

8. As a result of believing it was the entire Order, I did not open it again in the ECF system. As a result, I did not see the request for proof of my illness which I would have provided without delay.

9. I object to the Court's decision to cancel the hearing on April, 19, 2018, because of my illness. How is a litigant's illness connected to whether he or she has a right to be heard? You offered no explanation. Has any federal judge canceled a hearing without explanation when a litigant became ill? The Court appears to be acting out of hatred and ill will for me due to my sexual orientation and because of any incentive to do so by Digital Realty.

10. I have reviewed nearly 50 of this Court's past cases and not one of them is there a display the kind outward bias, vitriol and hatred for a litigant as the magistrate judge has for me. Not a single one of her other orders demonstrate such disdain for a litigant pro se or represented. I can't find a single instance of her mistreating a litigant using the kind of unfounded recriminations, impatience and abuse she has subjected me to in every Order and decision she has made since November 2016.

11. This submittal is made after the time requested by the Magistrate Judge because I am not a law firm and must research all issues before responding. There is no prejudice to the Defendant and no delay to the proceedings.

I declare under penalty of perjury under the laws of the United States and the laws of California that the foregoing is true and correct to the best of my knowledge.

Executed in San Francisco, California on May 19, 2018.

By: /s/Paul Somers
PAUL SOMERS